



PATENT
Customer Number 22,852
Attorney Docket No. 3063-0396-02

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#37

In re Application of:

John EBY et al.

Application No.: 09/287,631

Filed: April 7, 1999

For: SURFACE COVERINGS HAVING
A NATURAL APPEARANCE AND
METHODS TO MAKE A
SURFACE COVERING HAVING
A NATURAL APPEARANCE

Group Art Unit: 1732

Examiner: A. Kuhns

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AUG 20 2001
TC 1700

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)(4)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b)(4), Applicants bring to the attention of the Examiner the following information. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Further to the IDS filed on July 19, 2001, this submission brings to the Examiner's attention additional information made of record in on-going litigations. Consequently, this information may be material or relevant to the patentability of the instant claims. See M.P.E.P. 2001.06(c).

A copy of the information, including pleadings, as well as documents discussed in the pleadings and available to Applicants, are included herewith.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-406-4000

Applicants respectfully request that the Examiner carefully consider each listed document and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the disclosed information is material or constitutes "prior art." If the Examiner applies the information as prior art against any claim in the present application and Applicants determine that the information does not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such information.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the disclosed information, should it be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 17, 2001

By: 

Louis M. Troilo
Reg. No. 45,284